

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1154 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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YUSUF GANIBHAI BAGDIWALA

Versus

STATE OF GUJARAT

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Appearance:

MR G RAMAKRISHNAN for Petitioners  
PUBLIC PROSECUTOR for Respondent No. 1

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 16/04/98

ORAL JUDGEMENT

1. Rule. Heard Ld.advocate for petitioner. Mr.N.D.Gohil, Ld.APP appears and waives service of rule on behalf of respondent-State. That the petitioners have not pressed the prayer in respect of petitioner No.1-Yusuf Gabnibhai Bagdiwala, however, requested to consider the prayer in respect of petitioner No.2-Aminabibi, W/o Ganibhai.

2. The petitioner No.2-Aminabibi is aged about 75 years and according to Ld.advocate for petitioners she is suffering from various ailments. She is arranged as accused No.2 in the Cri.Reg.No.I-0122/98 registered at Kagdaphith police station, Ahmedabad for the offences made punishable under sections 498 A read with 114 IPC. In view of the peculiar facts and circumstances of the case regarding the age and ailments of the petitioner No.2, who is a woman, without expressing any opinion on merits of the case, it is directed that in the event of arrest of petitioner No.2-Aminabibi, W/o Ganibhai shall be enlarged on bail on execution of personal bond for a sum of Rs.5,000/- with one surety for the like amount to the satisfaction of the trial court and on compliance of following conditions:

- (i) She shall remain present before the trial court regularly as and when directed on dates fixed;
- (ii) She shall report at the Kagdaphith police station on the 1st and 15th day of each month during the currency of this order, between 1100 am and 2.00 pm.
- (iii) She shall make herself available for interrogation by a police officer whenever and wherever required.
- (iv) She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- (v) She shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the police.
- (vi) She shall at the time of execution of bond furnish the address to the investigation officer and the courts at Ahmedabad and shall not change her residence till the final disposal of the case or till further orders.
- (vii) She shall not leave the place of her residence for a period beyond five days without the permission of the court. Further she shall not leave India without permission of the court.
- (viii) It would be open to the investigation officer to

file an application for remand if she considers it proper and the learned magistrate would decide it on merits.

All of which conditions shall be treated as conditions on which bail is granted. This order will hold if the petitioner No.2 is arrested at any time within 90 days from today. The order for release on bail will remain operative only for a period of ten days from the date of her arrest. Thereafter it will be open to the petitioner No.2 to make fresh application for being enlarged on bail which when it comes before the competent court will be disposed of in accordance with law, having regard to all the attendant circumstances and the material available at the relevant time uninfluenced by the fact that anticipatory bail is granted by this court to the petitioner No.2. DS permitted.